



SERBIA
Parliamentary Program Planning Mission

May 2001
Belgrade & Novi Sad

Written by: Damian Murphy
July 2001

Table of Contents

Section	Page
I. Executive Summary	3
A. Introduction	
B. Overview and Purpose	
C. Key Findings	
II. Political Background	4
III. Findings	5
A. Serbian Republic Government/Parliament	5
1. Relationship between Serbian Government & Parliament	5
2. Committee Structure and Role	6
3. Resources	6
4. Rules of Procedure	8
5. Outreach to Citizens	8
6. The new opposition	9
B. The Federal Government/Parliament	9
C. Vojvodina	9
IV. Recommendations	10
A. External and Internal Communications	
B. Infrastructural and technical training	
V. Conclusion	12

Appendices

1. NDI's Serbia Program Description
2. Acronyms used in report
3. Biographies of participants
4. Inaugural Speech of Prime Minister Zoran Djindjic

I. Executive Summary

Introduction

Upon its remarkable electoral victories in September and December 2000, the Democratic Opposition of Serbia (DOS) entered government with the promise of economic change and European reintegration. Since beginning its work in early 2001, the legislative pace of reform has been noteworthy; more than 30 pieces of major legislation have been passed into law with plans to introduce nearly 150 pieces of structural reform legislation over the next year. The government has attracted notable technical experts from the Serbian diaspora to serve in government and join the existing pool of talented, smart and energetic group of reformers. Unlike one year ago, one can say that the future of Serbia is encouraging and holds the possibility of a representative government based on citizens' interests.

Thus far, the transition to a more democratic Serbia has not been easy. DOS activists, many of whom were among the demonstrators that stormed the Federal parliament on October 5, now sit in parliament frustrated by having to vote on reform measures without information or debate and constant filibustering by a discredited opposition. Formal communication among Federal and Republic ministries, the Federal and Republic Parliaments, the member parties of DOS and, most importantly, the citizens of Serbia does not exist. Through NDI's political party contacts, the Institute gained knowledge of these concerns and decided to conduct a parliamentary assessment to ascertain how NDI could further the democratic process in the legislatures.

Overview and Purpose

From May 16 – May 19, 2001, NDI deployed an international team¹ to assess potential programming with the Serbian Republic Parliament with possible cross over to the Federal and Vojvodina Parliaments. The delegation reviewed the Parliament's political function to determine how the Institute can assist the legislature in becoming a representative political body. Meetings were held in Belgrade with DOS members of Serbian and Federal parliaments, government ministers, staff and NGO representatives and in Vojvodina with representatives of the Vojvodina Assembly. NDI did not meet with the parties from the opposition.

Key Findings

- Communication between government and Parliament does not occur on a formal basis. This is a central cause of frustration for members of parliament who are called upon to pass government proposed legislation without adequate information to communicate with the public.
- The government is missing real links between caucus, ministries and parliament.

¹ The delegation included Claude-Gerard Marcus, Honorary Member of the French Parliament; Jean Lavoie, former NDI Bosnia Parliamentary Resident Program Director; Shauna Martin, Republika Srpska Parliamentary Program Director; Paul Rowland and Stephanie Lynn, Resident Program Directors; Jovan Tatić and Ana Radicević Program Coordinators; and Damian Murphy, Washington-based Program Officer.

- The opposition, while operating within the rules, is not functioning in good faith. Rather it is acting as though it should still be in power.
- There does not appear to be a coordinated strategy to communicate government decisions to the public. This lack of information could prove detrimental to DOS' public support as the coalition continues the reform process.
- The DOS caucus has an internal set of political checks and balances, but the legislative decision making process appears to be driven by the leadership and does not incorporate the opinions of individual MPs. This could engender problems within the coalition as the reform process continues.
- The government and parliaments lack critical human, technical, research and material resources during this period of reform. Additionally, many MPs lack any experience in governing and legislating, a challenge compounded by the numerous roles assumed by several MPs.

The assessment team recommends that NDI consider the following areas for parliamentary programming:

External and Internal Communications

- Improving parliamentary and governmental communication with the public through individual MPs and the use of regional constituency centers
- Building enhanced communication linkages between government and legislature.

Infrastructural and technical training

- Comparative Legislation Consultation
- Assist in Rules of Procedure revision and training
- DOS Caucus training
- Enhancing the Role of Parliamentary Committees
- Assist in addressing parliamentary and ministerial staffing issues
- Developing research capacities
- Provide training on effectively using information technology

II. Political Background

In January 2001, the Democratic Opposition of Serbia took office at the Republic level, unseating the 10-year autocratic rule of Slobodan Milošević and his SPS-SRS-JUL coalition government, and marking the first democratically elected government in Serbian history. Upon assuming office, the 18 party DOS coalition faced the daunting task of rebuilding a country with a decayed infrastructure, an archaic legal system, and an economy devastated by war, international sanctions and organized crime. The new government also contends with critical tests in southern Serbia as ethnic Albanian insurgents fight for local power. Moreover, the fate of the Yugoslav Federation is in doubt as pro-independence forces in Montenegro continue to call for a referendum on independence. DOS has worked

to secure crucial international funding to deliver on its campaign promise to fix the ailing economy.

DOS has had to come to terms with the challenges of governing and addressing Yugoslavia and Serbia's problems after acting so long as an opposition force. The Democratic Opposition of Serbia itself is now a misnomer and many have discussed changing the name to Democratic Option of Serbia. The eighteen party DOS coalition holds 176 out of 250 seats in the Serbian Parliament, creating a unique "parliament within a parliament". Even with this significant majority, DOS has found itself politically outmaneuvered on several occasions by the new opposition led by the Serbian Radical Party and Vojislav Seselj.

Parliamentary Structure

The Parliament of Yugoslavia has two chambers: the Chamber of Citizens and Chamber of Republics. The Chamber of Republics has 40 seats allocated equally to the two republics in the Yugoslav Federation, Serbia and Montenegro. Members are elected by a proportional system at large within each republic in a single round of voting. The Chamber of Citizens has 127 members elected proportionally within 27 electoral districts in a single round of voting. Serbia has 26 districts and Montenegro has one.

The Parliament of Serbia is a unicameral legislature. The 250 members are elected in a single constituency by the d'Hont system² in a single round of voting. While MPs are not tied to a certain constituency, DOS has made efforts to assign members to geographical areas.

The 18 party DOS parliamentary caucus has developed a Presidium, composed of the presidents of each member party. This body decides the parliament's legislative agenda and often negotiates the content of legislation before it arrives on the Parliament floor. Each party within DOS also has its own caucus. Out of 176 DOS MPs, 23 are women (13 percent), 16 are youth (9 percent) and 112 are from outside of Belgrade (63 percent).

III. Findings

A. Serbian Republic Government/Parliament

Relationship between Serbian Government and Parliament

DOS is faced with a unique situation as it attempts to pass enormous amounts of legislation in an effort to introduce economic and legal reform and align Serbian and Yugoslav law in accordance with international standards. Given this short time frame, legislation is drafted by the DOS government, discussed and approved by the DOS presidency, before passage by the DOS controlled Parliament.

Because DOS runs the government, most MPs seemed mildly comfortable in voting for legislation that was part of their election platform and had already been agreed to at that

² The D'Hont proportional representation system takes the votes obtained by each political party list and divides them by the number of seats to be filled. Seats are allocated to party lists with the highest percentage of votes, ranked from largest to smallest.

level. Nevertheless, the current dynamic in which the government proposes legislation to Parliament with the presumption of quick passage and little debate could engender deleterious, autocratic habits that could become particularly harmful in the post-reform period.

A first step in improving this lack of formal communication would be the ministerial appointment of a parliamentary liaison. DOS could also appoint backbencher MPs to positions where they would work closely with Ministers and provide a greater flow of information to all members of the DOS caucus.

This lack of internal communication strategy has already negatively manifested itself in the reform process. The Republic parliament passed key tax reform legislation in early 2001. The Serbian Radical Party conducted an effective, albeit inaccurate, campaign against the law. With a communications plan, first within its own caucus and then the public, DOS could have addressed the public's concerns and the SRS charges more effectively. In addition, two laws passed by the Republic and Federal government were in conflict, a situation that could have been avoided with improved communication.

Committee Structure and Role

There is no real tradition of effective or productive parliamentary committees in Serbia, as they historically existed as rubber stamps during the Milošević era. Legislation is drafted by ministries and approved by the DOS presidency before it goes to committee where approval is expected quickly. While government ministerial officials acknowledge that committees have a role, they have yet to prove their effectiveness.

A well-organized committee system can play a role in developing legislation in consultation with the appropriate ministries. If and when a credible opposition emerges in Serbia, the committee would also be an appropriate forum for opposing opinions to be expressed and considered. Further, the committee structure could be a forum to represent cross-party issues, constituencies such as women and ethnic minorities, and could be a mechanism for public involvement.

Resources

Many that the delegation met with were frustrated that they did not have enough time, people and money. DOS does not have enough time to pass its agenda, so legislators are dissuaded from talking on the floor and prolonging discussion on key legislation. There is not enough experienced staff, so MPs and government officials feel overwhelmed with the sheer amount of work. Several MPs feel that their time in Parliament is wasted, but are not spending it more effectively by reading through legislation or policy briefings or in drafting and signing letters for constituents.

Only one-third of MPs receives a salary. The other two-thirds have to hold jobs outside of parliament, creating the opening for potential conflict of interest and corruption.

Overextension of DOS officials

DOS MPs and Ministers often have too many roles to fill. Due to the timing of both sets of elections in 2000 and coalition dynamics, several DOS officials hold numerous

posts. One positive aspect to the overworked government official is that they often serve as the informal communication link between federal and republic government. On a few occasions, these individuals have caught incongruent clauses in similar bills from the two Parliaments before they were passed into law. This coordinating benefit notwithstanding, many DOS officials need to cut back on their official responsibilities to protect against making serious mistakes due to overwork.

Staffing

Lack of competent staff is a key issue at all levels. There is a central personnel office in the Parliament but there appears to be no overall staffing plan. The DOS caucus is only afforded eight staff members in the Serbian Parliament. Individual party caucuses within DOS also have a staff member assigned to them. Responsibilities of DOS caucus staff include arranging logistics for travel, material distribution, administrative tasks, and scheduling. If a parliamentary staffer is in charge of a small party with DOS then he/she would also take on the staff responsibilities in a committee. It appears that staff in the Serbian Parliament do not perform research duties, as they are focused mostly on administrative functions.

No Research Capability

Some MPs express frustration at the lack of background information on legislation, not only from the relevant ministries. Currently, there exists no research capability in the parliament or staff capacity to conduct research. Due in part to deteriorating infrastructure, there is little reliable, independent statistical data related to the economy and MPs have to rely on information from the ministries. Moreover, while the Republic parliament has an archiving service, it does not have a research library.

No Formal Orientation Process

MPs also lack critical information related to their own jobs. When the DOS MPs first came to Parliament in January, there was no formal orientation process to learn of their rights, responsibilities and the resources available to them. This lack of parliamentary experience has led to, for instance, a dearth of MPs who know how to read bills of legislation critically.

Lack of Equipment

One international official commented that, "Serbia is running two levels of government when it can't afford one." This is especially apparent in the parliaments, both of which lack critical technological equipment needed to facilitate communication. Since there is no parliamentary email server, members are left to establish email addresses on their own. There is also no intranet system for members to download legislation or relevant information. While this lack of technology is not surprising, Parliament now has a good opportunity to leapfrog a traditional library and internal communication structure to having integrated email and computerized research facilities.

One MP said that the Parliament chamber also needs to be modernized although it does have an electronic voting capability. Wiring exists for microphones to be placed at each of the 250 seats, but there are no microphones. When members wish to speak in plenary, they must make their way across the theater-style seating which requires that each member in the row stand so the MP can pass. If implemented, these microphones would save time and would allow the Speaker of the Parliament to control speaking time.

Parliamentary staff currently do not have suitable office resources like fax machines and computers to properly do their jobs. Parliamentary staff requested training in English language, office management, organizational and protocol techniques, and computer skills. There also does not seem to be any job description for parliamentary or ministerial staff or a clear outline of the organization of the staff in each office.

Rules of Procedure

The delegation noted several concerns about the Serbian Parliament's Rules of Procedure. While Rules exist, MPs rarely follow or understand them. The leadership rarely enforces the rules. A multi-party group has been formed to look at revising the current rules which may include participation from the Radical Party.

According to the Rules, 126 MPs must be present for quorum during the debate and amendment process. MPs also need to be available for votes that could be called at any time; there is no mechanism such as warning bells to call MPs to the chamber for a vote.

Outreach to Citizens

In 1999 and 2000, Serbia's democratic opposition took its message of change directly to the citizens through an innovative and coordinated strategy. These forms of direct voter contact, such as door-to-door campaigning and candidate tours around Serbia, were used in part out of necessity, as the opposition did not have widespread access to mass media outlets.

With the DOS victory came the spoils of state media resources. This access to media, coupled with the enormous backlog of legislation, has caused several in DOS to place a premium on pushing legislation through the parliament with little substantive communication to the public on what the new laws will mean to them in the long term. Unless the government implements an effective, coordinated campaign to communicate these noteworthy legislative achievements, they could begin to lose public support during this critical time.

With NDI funding, former DOS Regional Offices will be transformed into "Contact Serbia" facilities so elected members of parliament and government officials can reach out to citizens, gain their input into government initiatives and communicate the reform developments.

The government will soon unveil an internet website for citizens that will present the achievements of the government but will also offer areas where citizens and NGOs can actively assist in the reform process. This is an encouraging signal but perhaps a few years ahead of its time – previous NDI polling has shown that only 5 percent of the population uses the Internet.

The Center for Free Elections and Democracy (CeSID) has secured funding to organize volunteers to monitor the accountability and transparency of local government. The organization believes that citizens do not currently view government authorities as public servants, in part due to a traditional lack of democracy in Serbia where citizens learned how to be obedient, not active. With this program CeSID hopes to promote active engagement by citizens from 165 municipalities in the democratic system. While MPs do not have an official regional responsibility in Serbia due to the one electoral boundary, NDI should seek opportunities for interested MPs to make contact with these citizens groups.

The new opposition

Many that the delegation met said that the Serbian Radical Party has sought to obstruct the Serbian parliament's proceedings by filibustering nearly every piece of legislation presented on the floor for debate. As a result, many in DOS are encouraged by the leadership not to engage in debate or make speeches in Parliament and thus prolong an already tedious process. Several in the DOS caucus are very frustrated by this because the SRS speeches are at best irrelevant, and at worst slanderous and insulting. DOS should examine the existing Rules of Procedure that may provide a solution to this and other issues.

B. The Federal Government/Parliament

The Federal and Republic Parliaments face many of the same issues in terms of legislative workload, lack of resources and experienced staff, and inter-caucus relations. Specifically in the Federal parliament, there are specific challenges based primarily in relations with Montenegro. DOS is in coalition with the former pro-Milošević Socialist People's Party (SNP), complicating, but not obstructing, the reform process at this level of government. Recently, most SNP MPs have been absent from the Federal Parliament due to Montenegrin parliamentary elections and the reform pace has slowed compared with the activity of the Serbian republic government. The situation is compounded by the SNP's reluctance to discuss issues with Montenegrin President Milo Djukanovic.

The NDI delegation found that the central challenge in the Federal Parliament is the lack of formal coordination on legislation between the Federal and Serbian Republic government in accordance with the Yugoslav Constitution. The Speakers of both assemblies do not meet on a regular basis. Because several DOS officials have positions in both the Federal and Republic governments, political coordination frequently happens informally as DOS controls the legislative agenda, but there is no formal operational mechanism to assure that the minutiae of legislation is coordinated. For example, in one session of Federal Parliament, DOS had to offer 50 amendments to its own bill because they had not coordinated with the Republic Parliament.

On October 5th, 2000, demonstrators stormed the Federal Parliament and caused substantial structural damage to the parliament. The electronic voting system, library and archival facilities were destroyed by fire. The Parliament has received international support to repair or replace some of these damaged resources.

C. Vojvodina

The delegation visited the Vojvodina Parliament and met with representatives of the Reformists of Vojvodina – Social Democratic Party (RV-SDP) and League of Social Democrats of Vojvodina (LSV). The main issue for both is autonomy for the ethnically diverse and relatively economically prosperous northern province. Many in Vojvodina believe that they are denied basic rights of language and education and that they bear an unfair tax burden.

The RV-SDP identifies its membership as middle-aged to older intellectuals, a contrast to the rambunctious leadership and young following of the oft-quoted LSV President Nenad Canak. RV-SDP claims to take a different approach to the Vojvodina question, calling for autonomy, while the LSV seems to take a more radical independence minded approach.

The Vojvodina Parliament was established in accordance with the 1974 Yugoslav Constitution which gave legislative and judicial autonomy to Vojvodina and the southern province of Kosovo. This autonomy was revoked by Milošević in 1989, but the parliament in Vojvodina continued to operate. With the DOS victories in 2000, the Vojvodina Parliament has renewed its call for increased autonomy in order to keep more of its tax money and local business revenue in the region. Given the autonomy/independence issues related to Montenegro and Kosovo, increased autonomy for Vojvodina has not appeared to be a priority for the new government in Belgrade.

IV. Program Recommendations

When NDI Serbia began its political party development program in 1997, the Institute took a long term approach in training democratic activists at the grassroots level to prepare them for an opening of the political system and democratic change. As the program grew in 1999, NDI sought to fully integrate its many facets which included multi-party training, polling, and material assistance. NDI should employ the same far-sighted vision and seek to integrate the ministerial and parliamentary portfolios into its longstanding work with political parties, local government, women and youth and CeSID. As the Institute prepared democratic activists in 1997 for change, NDI should work to prepare Ministries, MPs, and staff for an opening in parliament as it matures into a more democratic institution.

Serbia is in a delicate transitional period as DOS works to quickly pass massive institutional reforms while maintaining a diverse, fragile coalition. This is an abnormal legislative period. NDI proposes a two-phase parliamentary program, outlined below, that acknowledges the current political dynamic³. In the immediate term, there appears to be a lack of formal constituency outreach by MPs. NDI can address this problem through training with MPs on developing and recognizing the importance of political skills in communicating with the public. This assistance would provide an opening for the second phase, a longer-term training program with MPs on developing legislative skills and with Parliament as an institution.

Based on the challenges outlined in this report, we have identified several areas where NDI could provide democratic assistance in a parliamentary program. Assuming the

³ NDI conducted initial consultations on communication skills with MPs in May 2001.

deployment of a Parliamentary Resident Representative in September 2001, the following parliamentary program would take the following timeline. Depending on the political situation, NDI may decide to conduct components from phase two earlier than January 2002.

Phase One (May 2001 – September 2002)

External and Internal Communications

- **Training with Individual MPs.** Several MPs requested training in different areas, such as public speaking and a general orientation on the various responsibilities and duties of a member of parliament.
- **Improving Communication with the Public.** The government should seize the opportunity to utilize the public relations skills of MPs in touting the government's plan for reform to the public, not only through mass media but local government and direct citizen contact.
- **Begin use of the Constituency Centers.** Through its material assistance program, NDI has funded 21 offices throughout Serbia that the DOS coalition can use as constituency liaison centers. Although the Serbian parliamentary structure is based on a nationwide single constituency, several DOS coalition MPs are assigned regional areas based on where they are from or the regional focus of their respective party. While many in DOS were aware of these Centers, NDI should begin a coordinated effort to encourage the use of these Centers as a way to communicate to citizens. The Centers should be fully operational in June/July 2001.
- **Building enhanced communication linkages between government and legislature.** The government should establish formal communication links between the Ministries and Parliament. This could take the form of a Minister for Parliamentary relations or the integration of select MPs into Ministries to cooperate with Ministers.

Infrastructural and technical training

- **Comparative Legislation Consultation.** Given its experience in democratic transitions throughout the world, NDI would provide comparative legislation from countries that had gone through structural changes similar to Serbia's. For example, NDI would provide assistance to the Federal Ministry of Justice as they work to draft a new Law on Political Parties or Local Government. NDI would implement this program component in coordination with the American Bar Association Central and Eastern Europe Law Initiative (ABA-CEELI)
- **Assist in Rules of Procedure Revision and Training.** NDI would provide comparative examples of Rules of Procedure for the Serbian parliament to help the body become more efficient, particularly in relation to a time limit on debate. Along with this technical assistance, MPs need training on the Rules themselves to better inform them as they do their jobs.

Phase two (January 2002 – September 2003 and beyond)

External and Internal Communications

Continue above-mentioned activities.

Infrastructural and technical training

- **DOS Caucus training.** The DOS coalition, originally formed to oust Milošević, has proven to be an unwieldy legislative vehicle. Some MPs expressed a need for coalition and “win/win” negotiation training. Under this theme, NDI could also provide training on a Code of Conduct for the parliament, something that currently does not exist.
- **Enhancing the Role of Parliamentary Committees.** The committee system in both Parliaments is weak and these bodies could play a greater role in moving legislation, providing research and constructive amendments to legislation. NDI could also provide training on the critical reading of draft legislation bills.
- **Staffing issues.** Ministerial and Parliamentary staff expressed a need for training in several areas related to organizational structures (information flow, development of job descriptions) and information technology. Through this training, NDI would encourage formalized communication links among these staffers of relevant offices. Additionally, this program segment would focus also on the definition of key staff and roles. For example, NDI would help to develop a standard format for briefing the caucus on policy and legislation.
- **Developing research capacities.** The Parliaments need to be able to get information independent of what they receive from the Ministries so they can make informed decisions on voting for legislation. NDI would help to develop these resources within the parliament by offering comparative examples of research centers in other parliaments around the world.
- **Provide Training on Effectively Using Information Technology.** There are likely to be several international donors interested in providing technological equipment to the government and parliaments. Based on its information technology training experience in Macedonia and South Africa, NDI would offer to provide training on effectively using this technology to enhance communication and transparency in government.

V. Conclusion

The delegation was impressed by the amount of legislation passed by the new government in spite of its lack of resources. The talent and potential of those the delegation met with was encouraging and indicated that a step back to the Milošević era was unlikely. Moreover, given NDI’s longstanding relationship with the democratic forces in Serbia, several expressed a strong willingness to continue work with NDI on this parliamentary program and make themselves available for further consultation as the program develops.